

WO

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Terry L. Carr; Rodney C. Carr,

Plaintiffs,

vs.

Esurance Insurance Company,

Defendant.

No. CV 09-667-PHX-JAT

ORDER

“Inquiring whether the court has jurisdiction is a federal judge’s first duty in every case.” *Belleville Catering Co. v. Champaign Market Place, L.L.C.*, 350 F.3d 691, 693 (7th Cir. 2003).

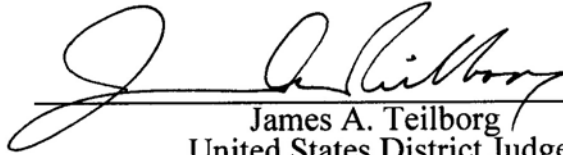
In this case, the notice of removal fails to sufficiently plead jurisdiction. *See* 28 U.S.C. § 1332. First, the notice of removal fails to allege a state of incorporation and a principal place of business for Defendant. *See Industrial Tectonics v. Aero Alloy*, 912 F.2d 1090, 1092, 1094 (9th Cir. 1990). Second, the notice of removal states that “Plaintiff is a resident” of Arizona, but it does not plead Plaintiff’s citizenship, nor does it acknowledge that there are two Plaintiffs. *See Kanter v. Warner-Lambert*, 265 F.3d 853, 857-858 (9th Cir. 2001).

Accordingly,

IT IS ORDERED that by May 22, 2009, Defendant (as the party asserting jurisdiction and therefore, with the burden of pleading jurisdiction, *see Industrial Tectonics*,

1 912 F.2d at 1092) shall file an amended notice of removal properly alleging federal subject
2 matter jurisdiction, or this case will be remanded for lack of federal subject matter
3 jurisdiction.

4 DATED this 7th day of May, 2009.

5
6
7 
8 James A. Teilborg
9 United States District Judge
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28